

Planning & Zoning Commission Meeting  
Minutes of September 1, 2010  
1st Floor North Conference Room - City Hall

**Present:** Chair Cindy Weeks, Vice-Chair Darryl Hart, Nathaniel Cannady (arrived at 5:37 p.m.), Mark C. Brooks, Jerome Jones and Holly Shriner

**Absent:** Mark Sexton

**Pre-Meeting - 4:30 p.m.**

The Commission reviewed the agenda and discussed a change in the order to help accommodate the anticipated crowd and provide opportunity for related items to be addressed in tandem. The Commission also asked staff some clarifying questions included in the staff reports and attachments.

**Regular Meeting - 5:00 p.m.**

Chair Weeks called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

**Administrative**

- ? Ms. Shriner moved to approve the minutes of the August 19, 2010, meeting. This motion was seconded by Mr. Brooks and carried unanimously by a 5-0 vote.
- ? Chair Weeks announced that the discussion of the ordinance amending Chapter 7 of the Code of Ordinances to clarify rules of interpretation as to permitted and prohibited uses will be continued to October 6, 2010. City Attorney Oast explained that an amendment at this time may not be necessary; however, it may come back to the Commission at a future date with some clarifications.

**Agenda Items**

- (1) **Review of a Level III site plan for the project identified as Caledonia Apartments located on Caledonia Road. The proposal is for construction of 100 apartment units contained in two buildings and includes a request to modify open space standards. The owner is Caledonia, LLC, and the contact is David Aiton. PIN 9648.71-3651 with additional construction staging on PIN 9648.61.9049.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans for the construction of a 100 unit multi-family development. This project is considered a Level III review pursuant to Section 7-5-9(a) of the Unified Development Ordinance (UDO) which designates review for residential projects with over 50 individual units. Level III projects are reviewed as Conditional Use Permits in the Institutional District.

The project site consists of 6.45 acres of a +/- 16.11 acre parcel located just north of Swannanoa River Road with frontage along Finalee Avenue and Caledonia Road. This undeveloped parcel is zoned Institutional and adjacent zoning includes Institutional to the north (Kenilworth Inn), RS-8 to the east and west (single-family homes) and Urban Place to the south (Silverman project site). The parcel is located at the southern boundary of the Kenilworth neighborhood.

The applicant is proposing to construct 100 residential units to be housed in two adjacent buildings for a residential density of approximately 15.5 units per acre. The buildings have a

combined gross floor area of 160,444 square feet and contain a mix of units (8 studios; 44 1-bedroom; 44 2-bedroom and 4 3-bedroom units). The units will be Energy Star rated for environmental efficiency.

There is a considerable slope to the site, resulting in a building height of 19' 11½" from Caledonia Road (just over 49' to the top of the highest architectural element). Because the grade of the site slopes approximately 40 to 50 feet from the street edge to the back face of the buildings, the structures will appear to be two stories from Finalee Avenue and Caledonia Road while all four stories and the underground parking would be visible from the rear.

There are two vehicular access points proposed – one from Finalee Avenue and one on Caledonia Road. Parking is provided primarily beneath the structures and on exposed (interconnected) surface lots in the center and at either end of the project site. A total of 153 parking spaces are shown on plans (57 uncovered, 96 covered), including 6 accessible spaces and bike parking. There are two pedestrian access bridges shown on the plan, one to the front of each building from the roadway.

Landscaping is required on the site and includes street trees along Finalee and Caledonia, building impact landscaping, street buffer, parking lot landscaping and a Type 'B' property line buffer along the RS-8 zoned parcels adjacent to the west. The site is heavily vegetated and much of that existing vegetation will remain and will be applied to the required tree save area. The applicant is deliberately trying to keep the site as undisturbed as possible – with only 2.2 acres to be graded.

Sidewalks do not currently exist along the project's side of Finalee Avenue and is not required as a part of this project; however, Caledonia Road is identified by the City as a needed pedestrian linkage. The applicant is proposing to install sidewalk along the northern side of Caledonia Road, where the topography lends itself better to pedestrian accessibility, and will work with staff to determine the exact sidewalk placement location.

The applicant is proposing a modular construction type and anticipates completion of construction within one-year of starting, in a single-phase. Staging of materials will be on the applicants own parcel(s) along Swannanoa River Road.

Open space standards require that 15% of the lot area be designated (0.97 acres); however, the code also stipulates that only 50% of designated open space may exceed 25% grade. In this situation, the existing grade of the project area is over 25% (most of the project area is over 40% slope). The applicant is proposing to leave approximately 2.83 acres undisturbed; however that entire area exceeds the allowable slopes for open space designation. The applicant is requesting relief from due to existing conditions.

This project was approved with conditions by the Technical Review Committee (TRC) on August 16, 2010.

There has been significant public comment received, at the TRC meeting as well as outside of that public forum both with staff and at a neighborhood meeting. Primary concerns focus on traffic and traffic-related issues on Finalee and Caledonia, such as narrow pavement width (18' on Finalee and Caledonia), blind curves, steep streets, limited sidewalks and existing congestion. Multiple members of the community expressed concern that potential future development in the area on the remaining land could have a collective negative traffic impact and they stated a strong desire for a Traffic Impact Study (not technically required due to trip generation) to evaluate if this project warrants additional roadway or pedestrian improvements beyond what is included in the proposal.

Additional concerns have been expressed regarding the ability for large construction vehicles and modular unit delivery trucks to safely and efficiently access the site, especially given

the sharp, narrow Caledonia roadway; the steepness of the designated open space on the site (see *modification request* above); and a request for increased articulation on the proposed roof design to appear more like the Kenilworth Inn.

City Council must take formal action as set forth in Section 7-5-5(e)(3) of the Unified Development Ordinance (UDO), and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case pursuant to Section 7-16-2(c). Staff's review indicates that all seven standards are met as proposed in the site plan.

- 1. That the proposed use or development of the land will not materially endanger the public health or safety.**

*The project will meet State building code requirements and will be reviewed in detail by the Technical Review Committee to ensure compliance with health safety requirements.*

- 2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

*The project site has a change in elevation of approximately 160 feet from Caledonia Road to the southern boundary (towards Swannanoa River Road) and has an existing grade over 30% with areas over 40%. To accommodate the steep site, the applicant has located the development footprint closest to Caledonia and Finalee Avenue, running along with the elevation change instead of against it. Additionally, the building footprint and area of disturbance is minimized by placing parking beneath the structures which lessens the physical and visual impact to the site. Only 2.2 acres of the 6.45 acre project site will be disturbed and landscaping around the building site along with the 2.83 acres dedicated as tree save area will help retain the natural, wooded areas of the location.*

- 3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

*The proposed residential use is not expected to injure the value of adjoining or abutting property. The area is almost exclusively residential and there is an established multi-family use across Caledonia to the north (Kenilworth Inn Apartments). Neighborhood concern has been expressed regarding the negative impacts of traffic congestion, which is seen as an existing issue that may be made increased from this development; however a Traffic Impact Study was not required.*

- 4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

*This parcel is zoned Institutional and therefore a variety of non-residential uses would be permitted but the proposed use as multi-family residential aligns with the residential uses in the area. The neighborhood is comprised primarily of single-family detached structures but the presence of the Kenilworth Inn Apartments building across the street creates an established precedent for a larger-scale multi-family structure. Additionally, the slope on the site is such that the structures will appear as two-stories from the street level, minimizing the scale and bulk. The design proposes a limited footprint to preserve and retain significant vegetation on the site, retaining the natural feel of this southern end of the Kenilworth neighborhood. The architect has drawn from the historic Kenilworth Inn for design elements and materials such as stucco, cedar shakes, stone and steep pitched rooflines. The proposal is in harmony with the scale, bulk, coverage, density and character of the area in which it is located.*

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

*The Asheville City Development Plan 2025 encourages higher-density infill development in areas where infrastructure can support the development and specifically in existing neighborhoods near downtown, such as this location in the Kenilworth neighborhood. The Plan also states that new development should promote a sustainable land development pattern and reduce impervious surfaces to reduce environmental impacts - this proposal minimizes land disturbance on the site by placing parking beneath the structures, retains vegetation and preserves the most steeply sloped areas. Transportation objectives in the Plan recognize the need to locate buildings close to transit and suggest a minimal density necessary to support transit – this site is proximate to two bus routes and proposes just under 16 units per acre, which is ideal for transit support. Additionally, the Plan stresses the benefit of neighborhood meetings – the applicant initiated meetings with the neighborhood prior to the City review process to keep open communication and address concerns.*

*This project aligns with City Council's goal of affordability by offering a mix of unit sizes and types, including smaller studio units, which will fit the housing needs of a variety of Asheville residents. In terms of green & sustainable, the project will meet Energy Star ratings, will be installing rainwater collection devices and has been sited in a way to minimize land disturbing activity as much as possible and retain acres of existing vegetation and natural features.*

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

*This proposed development is located near major road facilities as well as proximate to several transit lines (Rtes. 4 & 8). In addition, the project has been reviewed by the Technical Review Committee who found that existing infrastructure appears adequate and preliminary review has not revealed any problems for future service to the development.*

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

*The UDO requires a traffic impact study for a proposed development that will generate at least 100 new vehicle trips in the peak hour as determined by the ITE Trip Generation Manual. The proposed Caledonia Apartments project will have 100 apartment units. The ITE Trip Generation Manual contains two possible categories that are applicable to this development – 'Mid-Rise Apartments' and 'Apartments'. The 'Mid-Rise Apartments' category is a closer fit based on the size of the development, but has a smaller data set. The 'Apartment' category has a larger data set, but includes a wider range of development sizes with an average number of 230 units. Neither of these categories project a volume that meets the City's threshold (Mid-Rise Apartment – 42 peak hour trips; Apartment – 75 peak hour trips).*

*If a development does not trigger a traffic impact study by city ordinance, then it is implied that the generated traffic will not cause an adverse effect to the existing level of service.*

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? The proposal minimizes site disturbance with the parking situated beneath the building footprint and leaves 2.83 acres of the 6.45 acre parcel in its current natural, vegetated state.
- ? A mix of unit sizes is included from studios to 3-bedrooms, providing a variety of residential options at a range of price points.
- ? Because of the natural slope on the site, the building will appear much smaller scale from the street and pedestrian level.
- ? Sidewalk will be installed along one side of Caledonia Road, which is identified as a 'needed linkage.'

Cons:

- ? Although there is a considerable amount of undisturbed land left as open space, the existing grade of that area is over 40% which may inhibit usability and requires a modification from City Council.
- ? There are long-standing traffic-related concerns in the Kenilworth neighborhood and additional residential units will add to volumes.

Staff recommends approval of the project, finding that the proposal will be compatible with the neighborhood in a positive way and provides a variety of housing options in an infill location. Staff is supportive of the request for relief with meeting the open space requirement due to the topographical challenges inherent to the site.

In response to Mr. Brooks, Ms. Bernstein said that if the proposal changes in a significant way, it would have to come back to the Planning & Zoning Commission, noting that this is a conceptual site plan only.

Chair Weeks opened the public hearing at 5:21 p.m.

The following individuals spoke in opposition to the construction of Caledonia Apartments for various reasons, some being, but are not limited to: Finalee Avenue is a narrow, steep road with several blind curves; to add more vehicles on Caledonia Road and Finalee Avenue is dangerous; this end of Kenilworth does not have the existing infrastructure to handle any more developments; there are already existing traffic problems; due to the economic conditions, the developer may not be able to complete this development which will leave the area with scarred landscapes and stormwater runoff; already existing stormwater runoff problems; not all open green spaces have to be sacrificed; only one traffic light to get out of Kenilworth; area has narrow roads and dangerous curves; hairpin curve on Caledonia Road; exit from proposed apartments will be into a blind corner at Kenilwood and Finalee; no sidewalks or guardrails on the lower part of Finalee; Caledonia Road is a narrow road with no guardrails; existing traffic congestion at Caledonia Road and Swannanoa River Road, especially with Auction Barn traffic; concerns about the staging of construction materials and the large construction vehicles accessing the site given narrow and hairpin curves on Caledonia Road; potential future development in the area on the remaining land could have a collective negative traffic impact; misconception that you won't see a lot of the building; existing sub-standard streets with narrow pavement; residents do not want the noise pollution from dumpsters in their backyards; green buffer along Finalee is critical to the quality of life for residents in the area; Kenilworth is surrounded by traffic and development issues; with the already approved projects there will be additional pressure on existing infrastructure, especially the roads; Kenilworth area has increased by 40% housing in less than 5 years; developer can re-draw his property line and there would be no need for an open space variance; neighborhood's quality of life is under threat; and concern of appearance of building and it does not fit into the character of Kenilworth:

Ms. Valerie Hoh  
Mr. Fred Ray

Ms. Miller Graves  
Mr. Dave Evers  
Ms. Mary Evers  
Mr. Ben Fleming  
Ms. Teddy Jordan, President of the Residents Association  
Mr. Richard Warren  
Mr. Terry Meek  
Mr. Jim Cavener  
Ms. Ann McLellan

Mr. David Aiton, architect on project, said that regarding stormwater their soil testing was completed and there is no rock. He said they will have only 20% of the site in impervious area (Unified Development Ordinance allows 80%). He said that out of the 6.45 acres only 34% of the site will be disturbed. They would like to have the open space modification in order to not disturb anymore on the site than absolutely necessary.

Mr. Frank Howington, developer, said that he has been a property owner (Kenilworth Inn) and good neighbor in Kenilworth for 10 years and stressed they would not do anything to damage the neighborhood. He said that the City's Traffic Engineer did a brief study on the traffic and it's his understanding that in a 24-hour period there are 100 trips down Caledonia Road. He said it is their intent to disturb the land as little as possible and urged the Commission to approve the conditional use permit.

In response to Mr. Jones, Mr. Howington explained their staging. They will stage off his land at the bottom on Caledonia Road at the intersection of Swannanoa River Road. The construction vehicles will not be on Finalee at all. The construction period for setting the modular units is approximately 20 days. He said that they would alter the time for the construction vehicles so as not to conflict during the heavy traffic periods on Caledonia Road. He also said that they will do a temporary improvement to the hairpin curve on Caledonia Road which can remain or be removed.

In response to Vice-Chair Hart, City Traffic Engineer Bobby Croom said that the Silverman Project required a Traffic Impact Study and there are mitigation improvements that were accepted as part of that project. Swannanoa River Road is a state-maintained road so any traffic signal request would require their approval. He would be happy to facilitate any discussion with the residents and the N.C. Dept. of Transportation (NCDOT). He recalled that the NCDOT did a preliminary analysis a couple of years ago at the intersection of Swannanoa River Road and Caledonia Road

Ms. Aiton responded to Mr. Cannady regarding the stormwater retention system, noting that they will comply with all City regulations concern stormwater.

In response to Mr. Brooks, Mr. Croom said that the driveway permits would be permitted by the City, since Caledonia and Finalee are both City-maintained roads.

In response to Chair Weeks, Mr. Croom said that this project did not require a Traffic Impact Study as per our UDO, which is 100 vehicle trips in the peak hour. Based on the number of units for this development, the range will be in the neighborhood of 45-75 newly generated trips. To get some general information about what is happening now on Caledonia Road in the neighborhood of this development we set up our traffic counters directly in front of where the development is proposed. We had an 85<sup>th</sup> percentile speed of 24.2 miles per hour, but more importantly, we have 174 vehicles per day (for the three-day average). From a traffic engineer standpoint the projected traffic from this development could be accommodated by the existing infrastructure.

When Mr. Jones asked if there were City regulations regarding site distance, Mr. Croom said that in an ideal situation if a road was being built now, we would have to maintain a stop and site distance for a vehicle on a straight road or in a curve. However, we have inherited a lot of our infrastructure and one of the most prevalent ways we can increase existing site distance is by cutting trees and trimming back bushes. If the property owner does not take care of it themselves, the City has the ability to step in when necessary to do that.

For neighborhood rebuttal, Ms. Graves stressed that the existing infrastructure cannot handle existing traffic now. The 15-foot wide roads need to be fixed first before any more development in Kenilworth. She spoke to the men who were doing the core samples and they told her that they did hit rock, so what is the truth about this piece of property. She felt the property is too steep to be built on with a dam that is visible from Biltmore Village. She also said that the architect said that the retaining wall would be up to 25-feet, but at her count, there is a place where the wall is 35-feet.

Chair Weeks closed the public hearing at 6:37 p.m.

Mr. Jones understood and appreciated the concerns of traffic. He said that the Commission must be aware of the goals of City Council and two of those goals are density and infill development. He agrees that there are many roads in Asheville that have steep, winding curves, but nevertheless, he felt this project fulfills Council's goals. He did not see any compelling reason to not recommend approval of this project at this point. We must believe the traffic count. The stormwater runoff will have to be complied with under the stringent City, state and federal requirements. This body doesn't have the prerogative of discussing the architectural design of the building, noting that this is a very preliminary drawing. This project will allow people to walk to Biltmore Village and Mission Hospital, even though there are no sidewalks.

Based on the above findings and the analysis provided in the report, Mr. Jones moved to recommend approval of the conditional use permit adopting the proposed master plan for the project identified as Caledonia Apartments located on Caledonia Road, including the relief to open space standards based on topography, subject to the conditions recommended by City staff and the following conditions; (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (5) This project will undergo final review by the TRC prior to issuance of any required permits; and (6) Applicant should work with the neighborhood association to notify affected property owners along Caledonia and Pickwick Roads regarding the timing of delivery for the modular units and other large items and perhaps utilize flaggers or other high-visibility notification tools. There is the possibility for traffic back-up along Caledonia as well as limited visibility where Caledonia and Pickwick meet. This motion was seconded by Ms. Shriner and carried unanimously by a 6-0 vote.

**(2) Continued discussion regarding an ordinance amending Chapter 7 of the Code of Ordinances regarding the sustainability bonus**

Assistant Planning & Development Director Shannon Tuch said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinances to add a new application process to allow the consideration of development incentives for projects meeting key strategic city goals.

Ms. Tuch said that the Planning and Zoning Commission reviewed the Sustainable Development Project wording amendment at their July 22, 2010, public hearing. At that time, the Commission discussed several revisions to this amendment to better address stated community concerns and to better align with various city goals and directed staff to prepare a revised version of the amendment to reflect those revisions. The revised ordinance below highlights the changes and can be summarized as follows:

- 1) Remove Single Family zoning districts from the use districts in which this specialized application may be considered. *The Commission may also consider keeping standards for single family districts as a Conditional Use and could direct staff to shift the single family standards from the originally proposed Use-by-Right option to a Conditional Use.*
- 2) Reduce the area of applicability from ¼ mile to 1/8 mile along all high frequency transit routes and along the following major road thoroughfares to the end of the City's corporate limits:
  - ? Patton Ave.
  - ? Hendersonville Rd.
  - ? Sweeten Creek Rd. (identified, but not included on map since no transit route)
  - ? Tunnel Rd.
  - ? Haywood Rd.
  - ? Merrimon Ave.
  - ? New Leicester Hwy.
  - ? Brevard Rd.

Additionally, the Commission asked for additional information about:

- 1) Opportunities to add pedestrian, bike and greenways plans as alternative transportation routes where additional density could be considered, and
- 2) Options for public notification.

Regarding the incorporation of the pedestrian, bike and greenways plans, staff has found this difficult to muddle through and there is no clear way to integrate those plans in a way that we can use them as an analysis tool. As a point of information, the City recently submitted a grant request to a coalition of federal agencies to integrate these plans, among other things. If we don't accomplish it through this grant proposal, we'll likely be looking at ways to accomplish it through other means. But, in the meantime we don't have that information available to us. However, in looking at the information available we felt there was cause to consider two general areas for three reasons (1) because of existing greenway and other infrastructure; (2) significant public investment; (3) potential to link high priority areas to the City (generally downtown and River District). The two areas we think are worth considering are portions of Broadway that cover the Reed Creek Greenway connection and portions of Riverside and Lyman Streets. UNC-Asheville & North Asheville are already generally included through the 1/8 mile application area along Merrimon & Montford; however, a small segment along Broadway representing the Reed Creek Greenway connection may be considered as a road segment that could be added to the application area. Riverside and Lyman are not as well covered by adjacent corridors although they have been the subject of much interest and efforts to obtain infrastructure funding that could help connect this part of the River District to planned infrastructure (Clingman Forest Greenway) that could provide a very valuable connection from an anticipated growth area to downtown. Additionally, there is another example where an investment in new infrastructure is being proposed within the same vicinity with the cross city transit route #12 being proposed as a recommendation of the transit master plan as a way to stimulate new growth and development in the river district. As a result of this analysis, staff recommends adding portions of Lyman and Riverside to the transportation corridors where the proposed density bonuses could be considered. Staff does not recommend including any other corridors until more work can be done on integrating the various bike, pedestrian, and sidewalk plans. *This revision is identified on the proposed map and will require ratification from the Commission.* Should the Commission choose

not to accept this recommendation or wish to expand it, an amendment to the revised ordinance and map will be required.

Ms. Tuch also mentioned another point of clarification. There was direction to extend the corridor on Patton Avenue to the end of the City limits. However, staff carried that down to Smoky Park Highway since they felt that was the intent of the Commissioners.

Regarding the request for information, staff feels that there are two viable and low effort options that could be considered to address the concern over the loss of public notification for projects that may result in higher density/higher intensity projects. The first option is to require the developer to hold a community meeting prior to permitting. This meeting would be held in a neutral area and would need to include invitations to property owners located within x feet (200 feet is typical in our ordinance) of the project site. The second, less intense option, is to require the developer to provide notification in writing of the project details to all property owners directly adjacent (at a minimum) to the project site. Neither option formalizes a special appeal process but does provide notification to those near a proposed site, and addresses the stated concern regarding a desire to have the opportunity to review and understand the scope of a proposed project. Individuals with standing (generally those who own property in the immediate vicinity of the project) would be able to appeal per the City's standard appeal process. The Commission may also wish to consider whether the concern regarding lack of notifications related primarily to the inclusion of single-family zones.

The notification options while contrary to the original intent of this proposal also, however, address an existing staff concern regarding a limited window for concerned parties to appeal. Individuals with standing must appeal a decision within 60 days of a project approval and the City's permitting system is not sophisticated enough to routinely post all new project approvals, meaning that those with standing are sometimes uninformed about changes until it is too late. This requirement could help ensure that those who are most likely to have standing would be informed of a project's approval.

Requests to have these projects be reviewed by Council were also mentioned, but such a change would be entirely contrary to the original direction given to staff; and therefore this option is not recommended and is not discussed here.

*The information regarding these options is provided for the Commission's consideration and is not included in the revised ordinance.* Should the Commission wish to include one of these options, a recommendation to amend the current ordinance will be required.

Lastly, the Sustainable Advisory Committee on Energy and the Environment (SACEE) has also recommended one technical and one content change to the current proposal which is as follows:

Technical Change - Amend the Healthy Built levels to include the new medal levels (bronze, silver, gold, platinum). The NC Healthy Built standard has tiers, like LEED, that range from "Certified" to "Platinum". The proposed draft neglected to include any of the Healthy Built levels as an oversight. Given that this standard was developed in large part by WNC's green building community and consequently is the most popular standard with WNC builders (for residential development), it is important that this ranking system be reflected.

Content Change - To ensure that incentives for energy, storm water, and other green performance improvements, are provided, SACEE is strongly suggesting that the percentages be adjusted to increase 20% by tier rather than the prior proposed 10%. This is expected to bring the incentive much more in line with the real incremental expenses required on average to build at the higher performance levels. With this change, it is also expected that there could be much greater movement towards the Gold and Platinum levels which would yield greater than 50%

improvements in energy performance as well as all the other improvements that comes with either of the standards.

*Staff has not incorporated these changes since they did not come at the direction of the Commission;* however, staff supports the proposed revision and would recommend that the Commission direct staff to make this change. This change, if supported would read as follows and be included in Appendix 7G:

**OPTION 2 BONUS – Green Building**

LEED Certified or NC Healthy Built Certified or NC Healthy Built Silver = 20% density bonus

LEED Silver or NC Healthy Built Gold = 40% density bonus

LEED Gold or NC Healthy Built Platinum = 60% density bonus

LEED Platinum = 80% density bonus

In response to Mr. Jones, Ms. Tuch said that the transit route map will be incorporated by reference.

Chair Weeks spoke in support of the SACEE content change because the industry and construction costs are changing and this is a great opportunity to incentivize increased green building.

Chair Weeks opened the public hearing at 7:04 p.m.

Ms. Robin Merrell, Sr. Housing Attorney at Pisgah Legal Services and Chair of the Mayor's Affordable Housing Task Force, urged the Commissioners to adopt this ordinance. Hundreds of volunteers have spent thousands of hours to develop plans. What has come out of their work on these plans is recognition of the need of increased density and suggestions that the density be along transit corridors.

Ms. Barber Melton, member of the Coalition of Asheville Neighborhoods and member on the Mayor's Affordable Housing Task Force, felt that there has been a lot of give and take between the neighborhood representatives and the affordable housing representatives. She supported affordable housing be placed on transit corridors. However, their main concern is that the elected officials must be able to hear from their constituents otherwise they don't know what is needed. She stressed that everyone deserves to know what is going to affect them within a certain range. She asked that the ordinance be amended to notify people so that if there are concerns they can bring those concerns to staff and City Council.

Mr. Mike Lewis, north Asheville resident, said the proposed ordinance still doesn't address his primary concern of no public hearing before City Council. He felt that citizens have the right to address our elected officials. Another concern is the lack of enforcement. He urged the Commissioners to adopt the ordinance but with the amendment for a public hearing before City Council.

Mr. Matthew Raker, Chairman of the Sustainable Advisory Committee on Energy & the Environment, said that his Committee has reviewed the changes and urges Council to adopt the ordinance with the changes recommended by his Committee.

Mr. Larry Holt, Asheville resident, asked that a letter from Mr. Sidney M. Bach dated August 30, 2010, be entered into the record. He felt that Mr. Bach raises good questions and the Commission should not vote on the proposed ordinance until after the letter is addressed. He felt that deny public access and public comment on these developments is a mistake. He felt that successful housing is mixed income and workforce housing, along with affordable housing. He read Mr. Bach's conclusion as follows "Simply stated, the 'Sustainable/Affordable Housing' ordinance, as currently proposed, appears to be seriously (if not fatally) flawed due to the apparent vagueness of its integral operative terms and the resultant unenforceability of its

provisions as presently drafted.” He questioned what the City is going to do if developers do not meet the affordability or green buildings standards.

Mr. Matt Siegel, Director of WNC Green Building Council, urged the Commissioners to support this proposed ordinance. He expressed the importance that green building is true affordability. He felt that the bonuses enable more of the combination of green building and affordability to happen. He explained his request that the green building density be expanded to ¼ mile. He also noted that there have been several developments in the past that have been approved by City Council because they say they will have Healthy Built or LEED homes. But the fact is no one checks. He felt that strong penalties should be put in place so developers take these seriously.

Mr. Steve Rasmussen supported the revised ordinance. He felt that without public comments the reviewing body gets a narrow perspective with no breath of expertise. He urged the Commissioners to include a public comment at least before the Planning & Zoning Commission.

Mr. David Mosrie agreed with Mr. Raker and Mr. Siegel in that affordability and green building are the same thing.

Mr. Mike Plemmons, representing the Council of Independent Business Owners, supported the ordinance as revised.

At 7:35 p.m., Chair Weeks closed the public hearing.

Chair Weeks felt that one of their important roles on the Commission is to consider overall City policies. In addition, several City bodies have requested the Commission’s assistance in helping establish these methods to provide affordable housing, green building, public transit, etc. She agreed that green building and affordability go hand in hand. She felt this ordinance is a result of the work of these many people. Regarding public notice and public review, there are a lot of thresholds in the UDO already on project size, location, etc. that are not subject to public review and this is where this ordinance will fall as we promote this kind of development. She will support the motion and supported adding portions of Lyman and Riverside to the transportation corridors. She also supported the SACEE recommended changes as well. Regarding the notification issue, her opinion is that we should note that as a concern by the public and let staff look at that issue and suggest some options before it goes to City Council.

Mr. Brooks felt the majority of comments fall around two issues – no public input on projects and the lack of enforcement. Regarding public input, he felt the most substantive conversation and input from the community should happen early on in the process, and perhaps at a community meeting with the neighborhood association set up by the developer. Planning staff always recommends the developers meet with neighborhood associations in the project area. He felt that is where there is real room for input and changes. He felt that developers have too much investment in the project to make major changes by the time it goes to City Council. Regarding enforcement, he wondered if there should be verbiage in the UDO or something more procedural to ensure items are built when they receive bonuses for them.

City Attorney Oast said that the definition of affordable is something that our Community Development Division administers on a daily basis and it would be appropriate, at the Commission’s direction, to include a reference to that definition in this part of the Code. As far as enforceability, it depends on the nature of the project. If it is a project being developed for sale, there are things we can do like restrictions in the deed. Or, if it is a project to be used as a rental unit, we have recently thought about including a requirement for annual reporting on what the rents are. Using some of the same things HUD does to monitor our performance, we can use depending on the nature of the project.

Mr. Tuch also noted that regarding enforcing the green building items, she felt that some of the projects Mr. Siegel was alluding to were not required to be certified. This proposal does require that they be certified and this is something that Planning staff has examined in the past and produced a memo that explains how we would enforce the certification of these projects.

Ms. Tuch responded to Mr. Cannady when he asked what kind of actions the City would take if the project was approved for a NC Healthy Built and/or LEED certification.

Chair Weeks felt that Planning staff should look for a way to have City inspectors manage the project to make sure it's moving in the right direction of the NC Healthy Built or LEED certification.

There was a brief discussion on the notification, with each Commissioner agreeing that there should be some type of notification at the beginning of the process for community input.

Chair Weeks felt it would be appropriate to start with requiring the developer to provide notification in writing of the project details to all property owners directly adjacent (at a minimum) to the project site and then see what Planning staff has regarding the mandatory community meeting before it goes to City Council.

Based on the above findings and the analysis provided in the report, Mr. Jones moved to recommend approval of the changes to the original document (as amended) to amend Chapter 7 of the Code of Ordinances to add a new application process to allow the consideration of development incentives for projects meeting key strategic city goals, amending the revised ordinance and map to include: (1) adding portions of Broadway that cover the Reed Creek Greenway connection and portions of Lyman and Riverside Streets to the transportation corridors where the proposed density bonuses could be considered; (2) require the developer to provide notification in writing of the project details to all property owners directly adjacent (at a minimum of 200 feet) to the project site; (3) to implement the new density levels as recommended by the SACEE (in Appendix 7G); (4) amend the Healthy Built levels to include the new medal levels (bronze, silver, gold, platinum); (5) adding small stretches on New Leicester Highway and Brevard Road to include the extraterritorial jurisdiction areas; and (6) include the transit route map as amended at this meeting. This motion was seconded by Vice-Chair Hart and carried unanimously by a 6-0 vote.

At 8:00 p.m., Chair Weeks announced a short recess.

**(3) Continued discussion regarding the ordinance amending Chapter 7 of the Code of Ordinances regarding revisions to Section 7-8-18 of the Unified Development Ordinance (Central Business District) according to the recommendations from the Downtown Master Plan.**

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance regarding revisions to Section 7-8-18 of the Unified Development Ordinance (Central Business District) according to the recommendations from the Downtown Master Plan.

She said that since the Planning & Zoning Commission meeting held on August 19, 2010, Urban Planner Alan Glines has made some minor revisions to the draft ordinance based on public comment received and some revisions identified by staff.

The updated draft states that the ordinance requirements will apply to all new construction and/or changes that modify the exterior walls and/or roof of an existing building. This simplified language will be located at the beginning of the development standards section of the code.

The updated draft also identifies how variances to the ordinance requirements will be considered during project review. The process elements ordinance being reviewed by the Commission at this meeting further clarifies that the Planning & Zoning Commission will provide the majority of the variance requests and that City Council may provide variances when they are part of a conditional zoning review process. For all these variances, the Downtown Commission will provide a recommendation as a part of the consideration.

Finally, the building height section that determines the "height zone edge setback" has been revised to make this requirement more understandable.

At 8:22 p.m., Chair Weeks opened the public hearing.

Ms. Patsy Brison, attorney representing an owner of a building in the downtown area, questioned the statutory authority to make design review standards mandatory; explained how she felt the new introductory language has become even more inclusive; and explained why it was her opinion that variances have to go to the Board of Adjustment.

Mr. Steve Rasmussen said there is a great deal of consensus to have mandatory design review standards of a new building in a city as unique and dependent upon tourism and history as Asheville. He supported the Commission adopting this ordinance.

At 8:29 p.m., Chair Weeks closed the public hearing.

City Attorney Oast suggested the following amendment in the introduction paragraph to clarify the intent of the ordinance: "The following development standards apply all parcels zoned Central Business District for new construction, for renovations or repairs to the exterior or structural components of an existing building within the boundaries of the downtown design review overlay district as described in Section 7-9-3 of this Chapter. This shall not include routine maintenance or repairs or replacement with the same or similar materials."

Ms. Bernstein said that when there is a building permit required for something small like window replacement or painting a façade, that does come to staff, but it comes for a design review but it's a minor work and it's reviewed by staff. It does not go to the Downtown Commission. We still review any changes to the exterior of the building, but these routine maintenance or repairs or replacement with the same or similar materials should not require compliance with this part of the UDO. Assistant Planning & Development Director Shannon Tuch said that for such small projects, downtown design review basically means staff signs off on a tracking step.

City Attorney Oast said that as to the contention that there can be only one board of adjustment, what the law provides is that a city may designate a planning board or governing board to form any or all of the duties of a board of adjustment in addition to its other duties. It was his opinion that this is a planning agency and the City may designate this planning agency to perform all or some of those functions.

City Attorney Oast said that regarding Ms. Brison's concern regarding statutory authority to make design review standards mandatory, it was his opinion that the guidelines set forth in this ordinance are specific enough that it does not leave a whole lot to subject of determination. He feels it is defensible on that basis.

On behalf of the Commission, Chair Weeks thanked the staff for their time and effort devoted to this ordinance amendment.

Based on the above findings and the analysis provided in the report, Ms. Shriner moved to recommend approval of the changes to the original document (as amended) to Chapter 7 of the Code of Ordinances regarding revisions to Section 7-8-18 of the Unified Development

Ordinance (Central Business District) according to the recommendations from the Downtown Master Plan, with the additional amendment to the language outlined by City Attorney Oast above in the introductory paragraph. This motion was seconded by Mr. Jones and carried unanimously by a 6-0 vote.

Planning & Development Director Judy Daniel noted that City Council will be holding a worksession on this issue on October 12, 2010. In addition, she noted that the City won an award on the Downtown Master Plan.

**(4) Ordinance amending Chapter 7 of the Code of Ordinances regarding process elements for the Unified Development Ordinance (Central Business District) according to the recommendations from the Downtown Master Plan.**

Urban Planner Julia Fields said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance regarding process elements for the Unified Development Ordinance (Central Business District) according to the recommendations from the Downtown Master Plan.

She said that two years ago, the Asheville City Council approved a contract for planning services to develop a master plan for downtown to capture the community's goals for growth, redevelopment and continued vitality. The master plan consultants held numerous public meetings and forums to gather community input for downtown's future and the master plan was approved by the Asheville City Council in May 2009. The Council directed staff to work with stakeholder groups moving forward to prepare the changes to the Unified Development Ordinance (UDO) necessary to implement the plan recommendations and other implementation strategies.

With that direction from Council, staff and stakeholder task groups have been studying the master plan and developing strategies for implementation. The Urban Design Action Committee began meeting in the fall of 2009 to evaluate the impacts of the master plan on parcels in downtown and to evaluate the processes for the review of downtown projects. The proposals on processes have been on a different track from those for design standards. It is planned that all ordinances will go to the Asheville City Council as one unified package.

The ordinance presented below details the necessary changes to the UDO concerning processes for development occurring on parcels zoned Central Business District (CBD) and located within the boundaries of the Design Review Overlay District.

This proposed UDO text amendment adds a new section to Article V ("Development Review Procedures") to outline the procedures for reviewing projects proposed on parcels zoned CBD and located within the boundaries of the Design Review Overlay District (CBD/DDR). Changes that are recommended reflect the goals of the Asheville Downtown Master Plan (DTMP) and the recommendations of the Urban Design Action Committee. These changes are directly related to Strategy 6 of the plan: *Make downtown project review, transparent, predictable, and inclusive of community input.*

The new section in Article V sets forth the procedures for Level I, II and III project review in the CBD/DDR. These procedures differ from the procedures in other parts of the City's jurisdiction as follows:

- ? The project level thresholds for development review in the CBD/DDR are different. Level III review will apply to those projects above 175,000 square feet or above the Intermediate Height Zone (145 feet). Level II review will apply to those projects between 20,000 and 175,000 square feet in size and up to the Intermediate Height Zone. All other projects are subject to Level I review.

- ? The order of the review process is different in the CBD/DDR except for Level I projects which are handled at staff level. Level III projects that are in the traditional downtown core go to the Technical Review Committee (TRC), the Downtown Commission (DTC), the Planning and Zoning Commission (P and Z) and to Asheville City Council through a conditional zoning process. Level III projects outside of the core follow the same review process except Council is only considering these projects for compliance with applicable standards and regulations. Level II projects go to the TRC, DTC, and P and Z for approval.
- ? Early developer sponsored meetings are required for the Level II and Level III projects. Such meetings are strongly recommended for Level I projects.
- ? All meetings where project proposals in the CBD/DDR are reviewed shall provide notification through publication in a newspaper, mailed notice and posted notice.
- ? Level II project approvals are valid for two (2) years.
- ? Large phased developments must submit a master plan.
- ? Variance requests for projects proposed in the CBD/DDR shall be granted by the Planning and Zoning Commission (acting as the Board of Adjustment) with a recommendation from the Downtown Commission except for landscaping requests. Alternative landscaping requests must be reviewed and approved by the Asheville Tree Commission. Planning and Development Department Staff may flex up to ten (10) percent on standards concerning openings and expanses of wall.
- ? Appeals from decisions of the planning and development department or the Downtown Commission shall be heard by the Planning and Zoning Commission (acting as the Board of Adjustment). Appeals from the decisions of the Planning and Zoning Commission shall be heard by the Asheville City Council.

This wording amendment reflects proposals set forth in the Asheville Downtown Master Plan adopted by the Asheville City Council on May 26, 2001. Specifically, it implements elements of Strategy 6 of the plan. Some changes have been proposed by the reviewing committee but the goals and intentions of the master plan are preserved.

Pros:

- ? Implements a community developed master plan.
- ? Sets forth a process that provides greater certainty to developers on projects in the CBD/DDR.
- ? Provides for a more transparent review process for projects in the CBD/DDR.

Cons:

- ? Some may be concerned over the elimination of City Council discretionary approval for all but the largest of projects.
- ? Some may be concerned that the requirement for developer sponsored meetings for Level II and Level III projects is burdensome.
- ? Some may feel that City Council review of Level II projects outside of the traditional downtown core (only reviewing for compliance with standards) is an unnecessary step as this review has already been conducted by the Planning and Zoning Commission.

Additional cost associated with notification of property owners for projects being considered by the Asheville Downtown Commission. First class postage for property owners within two hundred (200) feet is the proposed requirement. Actual amount will be dependent on the number of Level II and Level III projects proposed and the number of property owners to be notified.

City staff recommends approval of this wording amendment

At 8:44 p.m., Chair Weeks opened the public hearing.

Ms. Patsy Brison, attorney representing a downtown property owner, pointed out a clarification necessary regarding the time limitation for the Downtown Commission to act on proposed development application before it goes to the Planning & Zoning Commission. In addition, regarding variances, she again expressed her opinion that it is not appropriate to have variances decided by the Planning & Zoning Commission.

Ms. Fields suggested the following amendment on pages 6 and 9, regarding action by the Downtown Commission: "The downtown commission shall act on the proposed development application with 120 days of receipt. Following *action* (instead of approval) by the downtown commission the plans shall be transmitted to the Asheville Planning and Zoning Commission for review and approval."

Mr. Steve Rasmussen predicted concern about (1) the extension of the Level III to 175,000 square feet (many people wanted the threshold at 100,000 square feet); and (2) conditional zoning should include the entire downtown area, not just the traditional core area.

Chair Weeks closed the public hearing at 8:52 p.m.

City Attorney Oast said that he and Ms. Brison respectfully disagree regarding which board can hear variances.

Based on the above findings and the analysis provided in the report, Mr. Cannady moved to recommend approval of an amendment to Chapter 7 of the Code of Ordinances regarding process elements for the Unified Development Ordinance (Central Business District) according to the recommendations from the Downtown Master Plan, with the two language amendments outlined above by Ms. Fields. This motion was seconded by Vice-Chair Hart and carried unanimously by a 6-0 vote.

On behalf of the Commission, Chair Weeks thanked Downtown Master Plan Project Manager Sasha Vrtunski for her efforts and in leading the City through this process. Ms. Vrtunski then thanked City staff.

Planning & Development Director Judy Daniel said that next year they will apply for an award for the process.

**(5) Ordinance amending Chapter 7 of the Code of Ordinances regarding creating the Airport Zoning District**

Assistant Director of the Planning & Development Department Shannon Tuch said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinances regarding creating the Airport Zoning District.

Ms. Tuch said that in March of this year, the City of Asheville received a copy of a signed resolution and cover letter from the Asheville Regional Airport Authority requesting that the City adopt specific land use/zoning ordinances for the airport property at the Asheville Regional Airport.

The Asheville Regional Airport Authority was established in 1979 as a joint governmental agency organized and created by the City of Asheville and Buncombe County, pursuant to General Statutes, for the purpose of maintaining, operating, regulating and improving the Asheville Regional Airport. The majority of the property is zoned Industrial (IND) which generally accommodates the uses associated with the airport functions; however, as a general zoning designation, it is subject to basic development standards that are designed for a wide variety of land uses occurring throughout the city. In recent years, the airport has submitted a number of modest development projects where applying basic development standards proved challenging, particularly for the aviation related projects.

Regional airports are generally recognized to be a very specialized and unique land use and it is not unusual for municipalities to apply special land use designations and standards to airport properties. There are a variety of tools that the City and the Airport Authority could consider including:

- 1) Develop and Adopt a Master Plan
- 2) Create a New Airport Specific Zoning Designation
- 3) Establish a New Authority by Special Act of the NC General Assembly
- 4) Allow the Airport to Develop their own Zoning Establish an Airport Overlay

Some of these actions require special legislation or other significant efforts. After some consideration, City staff generally agrees with the airport management that an airport specific zoning designation may be the best option available that satisfies the majority of the airports concerns while alleviating the burden of unnecessary detailed reviews applied to relatively modest projects. Both parties also recognize that the creation of an airport overlay applied to properties in proximity to the airport may also be necessary at some point in the future; however, the unique location of the airport would necessitate multi-jurisdictional cooperation that the airport would coordinate and that in which the City will participate.

Among the City Council's top priorities for the new SOP was continuing to forge intergovernmental and community partnerships to implement initiatives during economically challenging times. This amendment is a joint request from the Airport Authority and City staff and will satisfy key goals for both parties. Specifically, as it relates to the City of Asheville's adopted goals and plans, this effort will help satisfy transportation and economic development goals by supporting and facilitating a healthy regional airport operation.

Pros:

- ? Addresses the unique needs of aviation operations while preserving standards for non-aviation uses.
- ? Alleviates the need for detailed reviews for relatively modest projects.

Cons:

- ? An overlay zoning applied beyond the airport properties is not being proposed at this time.
- ? Adds a new zoning district when there is interest in reducing the total number of zoning districts.
- ? Design review responsibilities remain with City staff expending City resources (as opposed to other options that would allow the airport to assume those responsibilities) – could be viewed as “pro” by some.

In May 2009, this item was reviewed by the Council's Planning & Economic Development committee who supported the pursuit of an airport specific zoning designation and the participation in a multi-jurisdictional collaboration for establishing an airport overlay (at a future date yet to be determined).

The Planning & Zoning Commission reviewed this proposal at their February and March 2009 meetings where the proposal was generally well received. In advance of that meeting, however, the staff was asked by other city departments to request that the Commission delay action to allow time for other City-Airport initiatives to be resolved. As a result, no formal action was taken at these meetings. That action is now requested, as those issues have been resolved.

There is no direct fiscal impact to the City; however, modest reductions in time dedicated to the review of airport projects would result in minor relief to city resources.

Ms. Tuch suggested one amendment to Section 7-8-27 (f) (11) outdoor lighting as follows: "All outdoor lighting requirements shall be provided as required by section 7-11-10 except for those standards which are found to be in conflict with Federal Aviation Regulations that regulate *airport (not airfield)* lighting."

City staff recommends City Council adopt the wording amendment creating a new airport zoning designation.

Chair Weeks opened the public hearing at 9:04 p.m. and when no one spoke, she then closed it at 9:04 p.m.

Based on the above findings and the analysis provided in the report, Mr. Cannady moved to recommend approval of an amendment to Chapter 7 of the Code of Ordinances to create the Airport Zoning District, with the language amendment to Section 7-8-27 (f) (11) as outlined by Ms. Tuch above. This motion was seconded by Vice-Chair Hart and carried unanimously by a 6-0 vote.

**(6) Request to rezone property located at 61 Terminal Drive from Industrial District, Commercial Industrial District and Highway Business District to Airport Zoning District. The petitioner is the Asheville Regional Airport. PIN 9643.52-1970.**

Assistant Planning & Development Director Shannon Tuch oriented the Commission to the site location and said that the Asheville Regional Airport Authority was established in 1979 as a joint governmental agency organized and created by the City of Asheville and Buncombe County, pursuant to General Statutes, for the purpose of maintaining, operating, regulating and improving the Asheville Regional Airport. The large majority of the property is zoned Industrial (IND) which generally accommodates the uses associated with the airport functions; however, as a general zoning designation, it is subject to basic development standards that are designed for a wide variety of land uses occurring throughout the city. In recent years, the airport has submitted a number of modest development projects where applying basic development standards proved challenging, particularly for the aviation related projects.

Regional airports are generally recognized to be a very specialized and unique land use and it is not unusual for municipalities to apply special land use designations and standards to airport properties. The creation of a new Airport zoning designation and related standards has been simultaneously proposed in order to create a more appropriate and efficient designation for the airport operations.

The purpose and intent of the new Airport zoning is stated as, "It shall be the intent of this district to encourage and support the continued operation and vitality of the Asheville Regional Airport by allowing certain airport-related commercial/industrial and recreational uses in accordance with this ordinance, state law, and Federal Aviation Administration regulations." Clearly, a specialized zoning district designed to address specific aviation needs will accomplish this more than a general use zoning district.

As of this writing, staff has received no communications from the public regarding this rezoning.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? Proposed zoning district is generally compatible with the surrounding area and does not change the allowable uses.

- ? Addresses the unique needs of aviation operations while preserving standards for non-aviation uses.
- ? Rezoning could encourage development and further job growth.

Con:

- ? Requires the creation of a new specialized zoning district.

Staff recommends approval of this rezoning request.

Chair Weeks opened the public hearing at 9:06 p.m. and when no one spoke, she then closed it at 9:06 p.m.

Based on the above findings and the analysis provided in the report, Mr. Cannady moved to recommend approval of the rezoning of property located at 61 Terminal Drive from Industrial District, Commercial Industrial District and Highway Business District to Airport Zoning District. This motion was seconded by Vice-Chair Hart and carried unanimously by a 6-0 vote.

**(7) Ordinance amending Chapter 7 of the Code of Ordinances regarding reducing the size of the Asheville-Buncombe Historic Resources Commission to 12 members**

City Attorney Bob Oast said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinances regarding reducing the size of the Asheville-Buncombe Historic Resources Commission to 12 members.

He said that the Historic Resources Commission is a joint commission of the City of Asheville and Buncombe County organized pursuant to Part 3C of N.C.G.S. Chapter 160A. The HRC currently consists of 14 members, with each governing body having seven appointments. A proposal has been made to reduce the HRC membership to 12, with each governing body appointing six members. This has been discussed with the HRC and the Boards and Commissions Committee of City Council, which recommends the reduction.

The proposal under consideration is for each appointing body to reduce its appointees by one member. In order for the City to reduce its appointments, an amendment to City Code Sec. 7-3-4(b)(1) is required. Corresponding amendments would need to be made to Sec. 38-27 of Buncombe County's Ordinance.

The enabling legislation for historic resources commissions does not require a recommendation by the City's planning commission prior to action by the Council. However, the City's historic preservation function, including the membership of the HRC, is housed in the UDO, which requires planning commission consideration of all text amendments. The Buncombe County Commissioners adopted this change on August 17, 2010. If recommended by the Planning and Zoning Commission, the City Council will consider it on September 14, and it would be effective for the October meeting of the HRC.

He recommended this proposal for consideration and for action by City Council on September 14, 2010.

Chair Weeks opened the public hearing at 9:07 p.m. and when no one spoke, she then closed it at 9:07 p.m.

Based on the above findings and the analysis provided in the report, Ms. Shriner moved to recommend approval of an amendment to Chapter 7 of the Code of Ordinances to reduce the size of the Asheville-Buncombe Historic Resources Commission to 12 members. This motion was seconded by Mr. Jones and carried unanimously by a 6-0 vote.

**Other Business**

Chair Weeks announced the next meeting on October 6, 2010, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

**Adjournment**

At 9:09 p.m., Mr. Jones moved to adjourn the meeting. This motion was seconded by Mr. Cannady and carried unanimously by 6-0 vote.